

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Appl. Serial No.:** 10/517,392

**Confirmation No.:** 5578

**Inventor:** Paolo Botti, et al.

**Filed:** June 17, 2005

**Title:** Carboxy Protection Strategies for Acidic C-Terminal  
Amino Acids in Chemical Ligation of Oligopeptides

**Application for Patent Term Adjustment**

Commissioner for Patents  
**Office of Patent Legal Administration**  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant has reviewed the "Determination of Patent Term Adjustment under 35 U.S.C. § 154(b)" mailed by the Office on 12/5/2008 and finding the Patent Term Adjustment to be 521 days. Applicant requests reconsideration of the patent term adjustment indicated in the Notice of Allowance. Applicant finds the correct term to be 1093 days, as follows:

The requirements of 35 U.S.C. § 371(c)(2) were fulfilled on June 17, 2005. Thus, an action under 35 U.S.C. § 132 or a notice of allowance was due 14 months later, on August 17, 2006. However, no such action was made until the restriction requirement was mailed on February 7, 2008. The period of time between the due date of August 17, 2006 and the mailing date of February 7, 2008 is 539 days. Thus, the period of patent term should have been adjusted by +539 days under 37 CFR § 1.703(a);

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CERTIFICATE OF TRANSMITTAL UNDER 37 C.F.R. 1.8

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being electronically filed via EFS-Web at the United States Patent and Trademark Office, on the date shown below.

12/19/08  
Date of Deposit

*Manutella*  
Manutella Esposito

Under 37 CFR § 1.703(b), the “three year” rule must also be applied. Under *Wyeth v. Dudas* (D.D.C. 2008), this adjustment of term is in addition to that under 37 CFR § 1.703(a) explained above. The national stage was commenced 30 months from the earliest priority date of 6/10/02, i.e., on 12/10/04.

The “Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b)” mailed by the USPTO on 12/5/08 is based on an assumed issue date of 6/16/09 (the Tuesday before the date that is 28 weeks after the 12/5/08 mailing date of the Determination).

Three years from the commencement of the national stage is 12/10/07. The period of time between 12/10/07 and the proposed issue date of 6/16/09 is 554 days. Thus, the patent term should be adjusted by +554 days under 37 CFR § 1.703(b).

539 days + 554 days = total adjustment of **+1093 days**.

Even if the USPTO declines to apply the holding of *Wyeth v. Dudas*, the term still should be adjusted by +554 days (539 days + (554-539 = 15 days)) = 554 days.

No other periods of adjustment or periods or reduction are noted in the record.

This case is not subject to a terminal disclaimer.

No Request for Continued Examination was filed during the prosecution of the present case.

The fee set forth in 37 CFR 1.18(e) (\$200.00) is provided herewith.

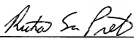
**Closing**

It is believed that this Application for Patent Term Adjustment is complete and complies with all requirements. But if USPTO personnel have a question or concern that may be resolved quickly with a phone call, said persons are invited to contact the undersigned.

No fees are believed due with the filing of this paper that are not otherwise provided for herein, however, if any fee is due, becomes due, or is paid in an incorrect amount, or if a credit become payable during the pendency of these proceedings, USPTO personnel are authorized to charge or credit the same to **Deposit Account number 010535**.

Respectfully Submitted,

Dated: Dec. 18, 2008

  
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Richard San Pietro  
Registration No. 45,071

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